

Assembly Bill No. 1998

Passed the Assembly August 23, 2016

Chief Clerk of the Assembly

Passed the Senate August 17, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 30061 of the Government Code, to add Section 6033 to the Penal Code, and to amend Section 1961 of, and to repeal and add Section 1962 of, the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1998, Campos. Juveniles: data collection.

Existing law establishes in each county treasury a Supplemental Law Enforcement Services Account (SLESA) to fund specified local programs related to corrections. Existing law requires that 50% of the moneys received into the county SLESA be allocated to implement a comprehensive multiagency juvenile justice plan developed by the local juvenile justice coordinating council in each county or city and county, and approved by the Board of State and Community Corrections (board). Existing law requires the juvenile justice plans to include specified assessments of services and strategies to assist at-risk juveniles.

This bill would recast those requirements to also include, among other things, a description of the programs, strategies, and system enhancements proposed to be funded by the county SLESA. The bill would delete the requirement that the board review the plan, and would instead require annual review and updating of the plan by the local juvenile justice coordinating council in a format specified by the board, and annual reports by the county or city and county to the county board of supervisors and to the board on the programs, strategies, and system enhancements funded by the county SLESA and expenditures for those purposes. The bill would require the board to compile those local reports summarizing the programs, strategies, and system enhancements and related expenditures made by each county and city and county and to report that data annually to the Governor and the Legislature. The bill would require the board to post on its Internet Web site a description or summary of the programs, strategies, or system enhancements from the local reports and to post the annual report. The bill would authorize the local reports and the annual report to be consolidated with certain reports pertaining to the Youthful

Offender Block Grant program. By imposing additional duties on local entities, this bill would impose a state-mandated local program.

Existing law establishes, within the board, the California Juvenile Justice Data Working Group, as provided. Existing law requires the working group to, among other things, analyze the capacities and limitations of the data systems and networks used to collect and report state and local juvenile caseload and outcome data and prepare and submit a report to the Legislature, as specified.

This bill would require the board, by January 1, 2018, to develop recommendations on best practices and standardization for counties on how to disaggregate juvenile justice caseload and performance and outcome data by race and ethnicity.

Existing law requires each county to prepare and submit a Juvenile Justice Development Plan to the Corrections Standards Authority on or before May 1 of each year for approval.

This bill would require the Juvenile Justice Development Plan to be submitted to the board instead of the Corrections Standards Authority and would recast the report requirements to include proposed programs, strategies, or system enhancements to be funded by the Youthful Offender Block Grant Fund. The bill would require the Juvenile Justice Development Plan to be consolidated with the comprehensive multiagency juvenile justice plans created by the local councils for funding from county SLESAs, as described above. The bill would require annual reports by counties regarding the use of the block grant funds be submitted to the board, instead of the authority. The bill would require annual reports to the Governor and the Legislature by the board regarding the programs, strategies, and system enhancements supported by the block grants, and posting of those annual reports on the board's Internet Web site. The bill would make additional conforming changes. By imposing additional reporting duties on local government entities, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. This act consolidates the submission of reports required by counties by paragraph (4) of subdivision (b) of Section 30061 of the Government Code and Section 1961 of the Welfare and Institutions Code, as those sections read prior to the enactment of this act. The act streamlines county reporting requirements, eliminates duplicative reporting requirements, substitutes other reporting requirements, and allows counties to utilize existing available data instead of generating new data. As such, the Legislature finds and declares that changes to the reporting requirements in this measure do not constitute a higher level of service within the meaning of paragraph (4) of subdivision (c) of Section 36 of Article XIII of the California Constitution.

SEC. 2. Section 30061 of the Government Code is amended to read:

30061. (a) There shall be established in each county treasury a Supplemental Law Enforcement Services Account (SLESA), to receive all amounts allocated to a county for purposes of implementing this chapter.

(b) In any fiscal year for which a county receives moneys to be expended for the implementation of this chapter, the county auditor shall allocate the moneys in the county's SLESA within 30 days of the deposit of those moneys into the fund. The moneys shall be allocated as follows:

(1) Five and fifteen-hundredths percent to the county sheriff for county jail construction and operation. In the case of Madera, Napa, and Santa Clara Counties, this allocation shall be made to the county director or chief of corrections.

(2) Five and fifteen-hundredths percent to the district attorney for criminal prosecution.

(3) Thirty-nine and seven-tenths percent to the county and the cities within the county, and, in the case of San Mateo, Kern, Siskiyou, and Contra Costa Counties, also to the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District, in accordance with the relative population of the cities within the county and the unincorporated area of the county, and the Broadmoor Police

Protection District in the County of San Mateo, the Bear Valley Community Services District and the Stallion Springs Community Services District in Kern County, the Lake Shastina Community Services District in Siskiyou County, and the Kensington Police Protection and Community Services District in Contra Costa County, as specified in the most recent January estimate by the population research unit of the Department of Finance, and as adjusted to provide, except as provided in subdivision (i), a grant of at least one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction. For a newly incorporated city whose population estimate is not published by the Department of Finance, but that was incorporated prior to July 1 of the fiscal year in which an allocation from the SLESA is to be made, the city manager, or an appointee of the legislative body, if a city manager is not available, and the county administrative or executive officer shall prepare a joint notification to the Department of Finance and the county auditor with a population estimate reduction of the unincorporated area of the county equal to the population of the newly incorporated city by July 15, or within 15 days after the Budget Act is enacted, of the fiscal year in which an allocation from the SLESA is to be made. No person residing within the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, or the Kensington Police Protection and Community Services District shall also be counted as residing within the unincorporated area of the County of San Mateo, Kern, Siskiyou, or Contra Costa, or within any city located within those counties. Except as provided in subdivision (i), the county auditor shall allocate a grant of at least one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction. Moneys allocated to the county pursuant to this subdivision shall be retained in the county SLESA, and moneys allocated to a city pursuant to this subdivision shall be deposited in a SLESA established in the city treasury.

(4) Fifty percent to the county or city and county to implement a comprehensive multiagency juvenile justice plan as provided in this paragraph. The juvenile justice plan shall be developed by the local juvenile justice coordinating council in each county and city and county with the membership described in Section 749.22 of the Welfare and Institutions Code. The plan shall be reviewed and

updated annually by the council. The plan or updated plan may, at the discretion of the county or city and county, be approved by the county board of supervisors. The plan or updated plan shall be submitted to the Board of State and Community Corrections by May 1 of each year in a format specified by the board that consolidates the form of submission of the annual comprehensive juvenile justice multiagency plan to be developed under this chapter with the form for submission of the annual Youthful Offender Block Grant plan that is required to be developed and submitted pursuant to Section 1961 of the Welfare and Institutions Code.

(A) The multiagency juvenile justice plan shall include, but not be limited to, all of the following components:

(i) An assessment of existing law enforcement, probation, education, mental health, health, social services, drug and alcohol, and youth services resources that specifically target at-risk juveniles, juvenile offenders, and their families.

(ii) An identification and prioritization of the neighborhoods, schools, and other areas in the community that face a significant public safety risk from juvenile crime, such as gang activity, daylight burglary, late-night robbery, vandalism, truancy, controlled substances sales, firearm-related violence, and juvenile substance abuse and alcohol use.

(iii) A local juvenile justice action strategy that provides for a continuum of responses to juvenile crime and delinquency and demonstrates a collaborative and integrated approach for implementing a system of swift, certain, and graduated responses for at-risk youth and juvenile offenders.

(iv) A description of the programs, strategies, or system enhancements that are proposed to be funded pursuant to this subparagraph.

(B) Programs, strategies, and system enhancements proposed to be funded under this chapter shall satisfy all of the following requirements:

(i) Be based on programs and approaches that have been demonstrated to be effective in reducing delinquency and addressing juvenile crime for any elements of response to juvenile crime and delinquency, including prevention, intervention, suppression, and incapacitation.

(ii) Collaborate and integrate services of all the resources set forth in clause (i) of subparagraph (A), to the extent appropriate.

(iii) Employ information sharing systems to ensure that county actions are fully coordinated, and designed to provide data for measuring the success of juvenile justice programs and strategies.

(C) To assess the effectiveness of programs, strategies, and system enhancements funded pursuant to this paragraph, each county or city and county shall submit by October 1 of each year a report to the county board of supervisors and to the Board of State and Community Corrections on the programs, strategies, and system enhancements funded pursuant to this chapter. The report shall be in a format specified by the board that consolidates the report to be submitted pursuant to this chapter with the annual report to be submitted to the board for the Youthful Offender Block Grant program, as required by subdivision (c) of Section 1961 of the Welfare and Institutions Code. The report shall include all of the following:

(i) An updated description of the programs, strategies, and system enhancements that have been funded pursuant to this chapter in the immediately preceding fiscal year.

(ii) An accounting of expenditures during the immediately preceding fiscal year for each program, strategy, or system enhancement funded pursuant to this chapter.

(iii) A description and expenditure report for programs, strategies, or system enhancements that have been cofunded during the preceding fiscal year using funds provided under this chapter and Youthful Offender Block Grant funds provided under Chapter 1.5 (commencing with Section 1950) of Division 2.5 of the Welfare and Institutions Code.

(iv) Countywide juvenile justice trend data available from existing statewide juvenile justice data systems or networks, as specified by the Board of State and Community Corrections, including, but not limited to, arrests, diversions, petitions filed, petitions sustained, placements, incarcerations, subsequent petitions, and probation violations, and including, in a format to be specified by the board, a summary description or analysis, based on available information, of how the programs, strategies, or system enhancements funded pursuant to this chapter have or may have contributed to, or influenced, the juvenile justice data trends identified in the report.

(D) The board shall, within 45 days of having received the county's report, post on its Internet Web site a description or

summary of the programs, strategies, or system enhancements that have been supported by funds made available to the county under this chapter.

(E) The Board of State and Community Corrections shall compile the local reports and, by March 1 of each year following their submission, make a report to the Governor and the Legislature summarizing the programs, strategies, and system enhancements and related expenditures made by each county and city and county from the appropriation made for the purposes of this paragraph. The annual report to the Governor and the Legislature shall also summarize the countywide trend data and any other pertinent information submitted by counties indicating how the programs, strategies, or system enhancements supported by funds appropriated under this chapter have or may have contributed to, or influenced, the trends identified. The board may consolidate the annual report to the Legislature required under this paragraph with the annual report required by subdivision (d) of Section 1961 of the Welfare and Institutions Code for the Youthful Offender Block Grant program. The annual report shall be submitted pursuant to Section 9795, and shall be posted for access by the public on the Internet Web site of the board.

(c) Subject to subdivision (d), for each fiscal year in which the county, each city, the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District receive moneys pursuant to paragraph (3) of subdivision (b), the county, each city, and each district specified in this subdivision shall appropriate those moneys in accordance with the following procedures:

(1) In the case of the county, the county board of supervisors shall appropriate existing and anticipated moneys exclusively to provide frontline law enforcement services, other than those services specified in paragraphs (1) and (2) of subdivision (b), in the unincorporated areas of the county, in response to written requests submitted to the board by the county sheriff and the district attorney. Any request submitted pursuant to this paragraph shall specify the frontline law enforcement needs of the requesting entity, and those personnel, equipment, and programs that are necessary to meet those needs.

(2) In the case of a city, the city council shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with written requests submitted by the chief of police of that city or the chief administrator of the law enforcement agency that provides police services for that city.

(3) In the case of the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County, the legislative body of that special district shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with written requests submitted by the chief administrator of the law enforcement agency that provides police services for that special district.

(d) For each fiscal year in which the county, a city, or the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County receives any moneys pursuant to this chapter, in no event shall the governing body of any of those recipient agencies subsequently alter any previous, valid appropriation by that body, for that same fiscal year, of moneys allocated to the county or city pursuant to paragraph (3) of subdivision (b).

(e) For the 2011–12 fiscal year, the Controller shall allocate 23.54 percent of the amount deposited in the Local Law Enforcement Services Account in the Local Revenue Fund 2011 for the purposes of paragraphs (1), (2), and (3) of subdivision (b), and shall allocate 23.54 percent for purposes of paragraph (4) of subdivision (b).

(f) Commencing with the 2012–13 fiscal year, subsequent to the allocation described in subdivision (c) of Section 29552, the Controller shall allocate 23.54363596 percent of the remaining amount deposited in the Enhancing Law Enforcement Activities Subaccount in the Local Revenue Fund 2011 for the purposes of

paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent to the allocation described in subdivision (c) of Section 29552, shall allocate 23.54363596 percent of the remaining amount for purposes of paragraph (4) of subdivision (b).

(g) Commencing with the 2013–14 fiscal year, subsequent to the allocation described in subdivision (d) of Section 29552, the Controller shall allocate 23.54363596 percent of the remaining amount deposited in the Enhancing Law Enforcement Activities Subaccount in the Local Revenue Fund 2011 for the purposes of paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent to the allocation described in subdivision (d) of Section 29552, shall allocate 23.54363596 percent of the remaining amount for purposes of paragraph (4) of subdivision (b). The Controller shall allocate funds in monthly installments to local jurisdictions for public safety in accordance with this section as annually calculated by the Director of Finance.

(h) Funds received pursuant to subdivision (b) shall be expended or encumbered in accordance with this chapter no later than June 30 of the following fiscal year. A local agency that has not met the requirement of this subdivision shall remit unspent SLESA moneys received after April 1, 2009, to the Controller for deposit in the Local Safety and Protection Account, after April 1, 2012, to the Local Law Enforcement Services Account, and after July 1, 2012, to the County Enhancing Law Enforcement Activities Subaccount. This subdivision shall become inoperative on July 1, 2015.

(i) In the 2010–11 fiscal year, if the fourth quarter revenue derived from fees imposed by subdivision (a) of Section 10752.2 of the Revenue and Taxation Code that are deposited in the General Fund and transferred to the Local Safety and Protection Account, and continuously appropriated to the Controller for allocation pursuant to this section, are insufficient to provide a minimum grant of one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction, the county auditor shall allocate the revenue proportionately, based on the allocation schedule in paragraph (3) of subdivision (b). The county auditor shall proportionately allocate, based on the allocation schedule in paragraph (3) of subdivision (b), all revenues received after the distribution of the fourth quarter allocation attributable to these fees for which payment was due prior to July 1, 2011, until all

minimum allocations are fulfilled, at which point all remaining revenue shall be distributed proportionately among the other jurisdictions.

(j) The county auditor shall redirect unspent funds that were remitted after July 1, 2012, by a local agency to the County Enhancing Law Enforcement Activities Subaccount pursuant to subdivision (h), to the local agency that remitted the unspent funds in an amount equal to the amount remitted.

SEC. 3. Section 6033 is added to the Penal Code, immediately following Section 6032, to read:

6033. The Board of State and Community Corrections shall, by January 1, 2018, develop recommendations for best practices and standardization for counties on how to disaggregate juvenile justice caseload and performance and outcome data by race and ethnicity.

SEC. 4. Section 1961 of the Welfare and Institutions Code is amended to read:

1961. (a) On or before May 1 of each year, each county shall prepare and submit to the Board of State and Community Corrections a Juvenile Justice Development Plan on its proposed programs, strategies, and system enhancements for the next fiscal year from the Youthful Offender Block Grant Fund described in Section 1951. The plan shall include all of the following:

(1) A description of the programs, placements, services, strategies, and system enhancements to be funded by the block grant allocation pursuant to this chapter, including, but not limited to, the programs, tools, and strategies outlined in Section 1960.

(2) A description of how the plan relates to or supports the county's overall strategy for dealing with youthful offenders who have not committed an offense described in subdivision (b) of Section 707, and who are no longer eligible for commitment to the Division of Juvenile Facilities under Section 733 as of September 1, 2007.

(3) A description of any regional agreements or arrangements to be supported by the block grant allocation pursuant to this chapter.

(4) A description of how the programs, placements, services, or strategies identified in the plan coordinate with multiagency juvenile justice plans and programs under paragraph (4) of subdivision (b) of Section 30061 of the Government Code.

(b) The plan described in subdivision (a) shall be submitted to the Board of State and Community Corrections in a format, as specified by the board, that consolidates the form for submission of the plan with the form for submission of the multiagency juvenile justice plan to be developed and submitted to the board as provided by paragraph (4) of subdivision (b) of Section 30061 of the Government Code.

(c) Each county receiving an allocation from the Youthful Offender Block Grant Fund described in Section 1951 shall, by October 1 of each year, submit an annual report to the Board of State and Community Corrections on its utilization of the block grant funds in the preceding fiscal year. The report shall be in a format specified by the board that consolidates the report required by this subdivision with the annual report required to be submitted to the board under the provisions of subparagraph (D) of paragraph (4) of subdivision (b) of Section 30061 of the Government Code, and shall include all of the following:

(1) A description of the programs, placements, services, strategies, and system enhancements supported by block grant funds in the preceding fiscal year, and an accounting of all of the county's expenditures of block grant funds for the preceding fiscal year.

(2) A description and expenditure report for programs, strategies, and system enhancements that have been cofunded during the preceding fiscal year using funds provided under this chapter and juvenile justice funds provided under paragraph (4) of subdivision (b) of Section 30061 of the Government Code.

(3) Countywide juvenile justice trend data available from existing statewide juvenile justice data systems or networks, as specified by the board, including, but not limited to, arrests, diversions, petitions filed, petitions sustained, placements, incarcerations, subsequent petitions and probation violations, and including, in a format to be specified by the board, a summary description or analysis, based on available information, of how the programs, strategies, and system enhancements funded pursuant to this chapter have or may have contributed to, or influenced, the juvenile justice data trends identified in the report.

(d) The board shall prepare and make available to the public on its Internet Web site summaries of the annual county reports submitted in accordance with subdivision (c). By March 1 of each

year, the board also shall prepare and submit to the Governor and the Legislature a report summarizing county utilizations of block grant funds in the preceding fiscal year, including a summary of the programs, strategies, system enhancements, and related expenditures made by each county utilizing Youthful Offender Block Grant funds. The annual report to the Governor and the Legislature shall also summarize the countywide trend data and any other pertinent information submitted by counties indicating how the programs, strategies, and system enhancements supported by Youthful Offender Block Grant funds have or may have contributed to, or influenced, the trends identified. The board may consolidate the annual report to the Governor and the Legislature required under this section with the annual report required by subparagraph (E) of paragraph (4) of subdivision (b) of Section 30061 of the Government Code. The annual report shall be submitted in compliance with Section 9795 of the Government Code. The annual report shall also be posted for access by the public on the Internet Web site of the board.

SEC. 5. Section 1962 of the Welfare and Institutions Code is repealed.

SEC. 6. Section 1962 is added to the Welfare and Institutions Code, to read:

1962. The Board of State and Community Corrections may monitor the forms, documents, and information submitted by counties pursuant to Section 1961 and may advise counties and provide technical assistance on the implementation and requirements of Section 1961.

SEC. 7. To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state nor otherwise be subject to Section 6 of Article XIII B of the California Constitution.

Approved _____, 2016

Governor